

BEFORE THE
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
STATE OF MISSOURI

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS,

Petitioner,

v.

JAN D. GARWOOD, M.D.,

Respondent.

Case No. 2000-000884

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

This matter appears before the State Board of Registration for the Healing Arts pursuant to a Complaint filed in the above-styled case. Pursuant to a Notice of Automatic Revocation Hearing, a hearing was held on Friday, July 18, 2003, at the Sheraton St. Louis City Center, St. Louis, Missouri. The Board was represented by Assistant Attorney General William Vanderpool. Assistant Attorney General Nicole Sublett served as the Board's legal advisor. Respondent was not present for the hearing and no one appeared on his behalf. During the hearing, the Board reviewed all evidence presented by Petitioner. The Board considered all exhibits and evidence in reaching its decision.

FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts is an entity created under § 334.120, RSMo, for the purpose of enforcing the provisions of Chapter 334, RSMo, by registering, licensing, and supervising all physicians and surgeons.

2. Section 334.103, RSMo 2000, states, in pertinent part:

1. The license of a physician shall be automatically revoked at such time as the final trial proceedings are concluded whereby a physician has been adjudicated and found guilty, or has entered a plea of guilty or *nolo contendere*, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of a physician, or for any felony offense, an essential element of which is fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed.... The license of any such physician shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

3. Jan D. Garwood, M.D., (hereinafter "Respondent") is licensed by the Board, license number R9943. Respondent's certificate of registration is current.

4. On or about June 20, 2003, Notice of Automatic Revocation Hearing was hand delivered to Respondent.

5. On or about February 13, 2002, Respondent was found guilty of two (2) felony counts of Conspiracy to Defraud the United States Government in the case *United States of America v. Jan Dierks Garwood et al.*, Case number 00-05009-01-15-CR-SW-DW, in the United States District Court for the Western District of Missouri, Southwestern Division.

6. The felony offense of Conspiracy to Defraud the United States Government is an offense, an essential element of which is fraud and dishonesty.

7. The felony offense of Conspiracy to Defraud the United States Government is an offense involving moral turpitude.

8. The felony offense of Conspiracy to Defraud the United States Government is reasonably related to the qualifications, functions or duties of a physician.

CONCLUSIONS OF LAW

1. Revocation is authorized in this State pursuant to § 334.103, RSMo.
2. The findings of fact as set forth herein show cause for this Board to revoke Respondent's license pursuant to §334.103, RSMo.

DECISION AND DISCIPLINARY ORDER

Pursuant to the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that upon the effective date of this Order, Respondent's license, number R9943, to practice the Healing Arts in the State of Missouri shall be and is hereby REVOKED. Respondent shall not make application for reinstatement for a period of five (5) years from the date of this Order. Respondent is directed to immediately return to the Board his wall-hanging certificate, license and pocket card, and all other indicia of licensure.

IT IS SO ORDERED, effective this 24 day of July, 2003.

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS


Tina Steinman
Executive Director